IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.995 OF 2005

M/s.Tulshi Industries & Anr. : Petitioners

V/s.

The Ratnakar Bank Limited : Respondent

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Mr. G. M. Savagave for the petitioners.
Mr. P.I. Khemani for the respondent.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : MARCH 4, 2005.

P.C.:

The petitioners are aggrieved by the order passed on 4.2.2005 by the Debts Recovery Appellate Tribunal, Mumbai, by which their appeal was dismissed for non-prosecution. The appellants did not pay 40% of the decretal amount which they were directed to pay as a pre-deposit and instead they filed a Writ Petition. After their Writ Petition was dismissed, they have now filed another petition before this Court in which they say that now they are willing to pay 40% of the decretal amount. The petitioners have adopted various remedies to avoid payment. In the peculiar facts and circumstances of the case, in case the

petitioners deposit 50% of the decretal amount within two weeks from today, the appeal which was dismissed in default for non-prosecution by the Debts Recovery Appellate Tribunal be restored to file and would be heard and disposed of by the Tribunal. No further directions are necessary. The petition is, accordingly, disposed of.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.